Crl. Misc. No. 55251-M of 2007

-.-

Present: Mr. J.B.S. Gill, Advocate,
for the petitioners.

Mr. Shilesh Gupta, DAG, Punjab.

The prayer for anticipatory bail filed by the petitioners was dismissed by the Court below for the reason that recovery of the weapons used at the time of occurrence namely Kirpan and Base-ball, are still to be effected.

Learned counsel for the petitioners states that they are ready and willing to join the investigation and also to surrender the weapons used. The fight in the present case was only on account of alleged playing of deck at a high volume. Let the weapons used in the fight be recovered.

Arrest of the petitioners shall remain stayed till 18.01.2008. They are also directed to join investigation, if required by the police.

DECEMBER 31, 2007 **(RAJESH BINDAL)**
shalini **JUDGE**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL. MISC. NO. 55185-M OF 2007
DECIDED ON : 31.12.2007

Hardeep Singh

...Petitioner

versus

State of Haryan and another

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL

Present : Mr. Jagdish Manchanda, Advocate,
for the petitioner.

Mr. Ashish Kapoor, Additional AG, Haryana.

Mr. Shiv Kumar, Advocate,
for respondent No. 3.

RAJESH BINDAL, J. (ORAL)

The prayer made in the present petition is for anticipatory bail in a complaint filed by the respondent No. 2 against the petitioner as well as Rajeev Suraiya and M/S EZY Slide Fastners Ltd.

Learned counsel for the petitioner states that he was an employee with M/S EZY Slide Fastners Ltd. He had left the job in July, 2002. As an employee of the company, he had signed certain cheques which were issued to respondent NO. 2 regarding which a complaint under Section 138 of the Negotiable Instruments Act is pending before the Trial Court. He submits that after he left the service, he was never

served in the complaint as in the complaint his address is also given the same as of the company in which he was serving. He came to know about the proceedings now and intend to surrender before the Court so that the trial may proceed.

The prayer made is objected for the reason that the petitioner has already been declared as proclaimed offender on April 19, 2006. However, taking into consideration that the petitioner has himself volunteer to surrender before the Court, let an opportunity be granted to him.

Arrest of the petitioner shall remain stayed up to 07.01.2008 with the direction to the petitioner to appear before the Trial Court on or before the date fixed for appropriate proceedings thereafter.

The petition is disposed of accordingly.

DECEMBER 31, 2007 **(RAJESH BINDAL)**
shalini **JUDGE**

Crl. Misc. No. 55190-M of 2007

-.-

Present: Mr. L. S. Sidhu, Advocate,
for the petitioner.

Mr. Shilesh Gupta, DAG, Punjab.

Learned counsel for the State submits that the Investigating Officer has still not come.

Learned counsel for the petitioner submits that in another petition filed by Sewak Singh, co-accused in the same FIR for anticipatory bail, this Court has already stayed his arrest and the same is now pending for March 31, 2008.

Let the present petition be also posted for the same date, to be heard along with Criminal Misc. No. M-54823 of 2007.

Arrest of the petitioner shall remain stayed in the meantime. However, the petitioner shall join investigation as and when asked to do so.

DECEMBER 31, 2007 **(RAJESH BINDAL)**
shalini **JUDGE**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL. MISC. NO. 55231-M OF 2007
DECIDED ON : 31.12.2007

Ved Prakash and another

...Petitioners

versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL

Present : Mr. T.S. Sangha, Advocate,
for the petitioners.

Mr. Shilesh Gupta, DAG, Punjab.

RAJESH BINDAL, J. (ORAL)

Vide separate detailed order passed today in Criminal Misc. No. 55214-M of 2007, prayer for anticipatory bail moved by Subhash Jain has been accepted.

The petitioners in the present case were allegedly accompanying Subhash Jain when the alleged occurrence took place at 7:30 P.M on December 07, 2007. Otherwise in the FIR, no specific allegations are there against the petitioners.

In this view of the matter, the petitioners are entitled to anticipatory bail. Accordingly, in case of arrest, the petitioners shall be released on bail to the satisfaction of

the Investigating Officer/Arresting Officer subject to the conditions specified in Section 438 (2) of the Code of Criminal Procedure.

DECEMBER 31, 2007 **(RAJESH BINDAL)**
shalini **JUDGE**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL. MISC. NO. 55107-M OF 2007
DECIDED ON : 31.12.2007

Sukhwinder Kaur and another

...Petitioners

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL

Present : Mr. J.B.S Gill, Advocate,
for the petitioners.

Mr. Shilesh Gupta, DAG, Punjab.

RAJESH BINDAL, J. (ORAL)

Learned counsel for the petitioner has produced a copy of the Marriage Certificate issued by Baba Anandgir Mansha Mandir, Chamunda, District Kangra, which is taken on record as Annexure P-3. Both the parties are present in person. As per Certificate Annexure P-1 issued by the Punjab School Education Board, the date of birth of petitioner NO. 1 is April 25, 1989 and she was more than 18 years of age on the date of marriage which according to the petitioners solemnized on December 02, 2007. They are apprehending their arrest and also harassment by the police and family members of petitioner NO. 1, as they were not agreeable to

the marriage. In fact, FIR No. 62 dated 01.12.2007 was got registered by mother of petitioner No. 1 against petitioner No. 2 under Sections 363/366/120-B of the Indian Penal Code with the allegations that petitioner NO. 1 is minor. Both the parties are major and they have solemnized marriage with their free consent, their life and liberty need to be protected. Accordingly, the instant petition is disposed of with the direction to Senior Superintendent of Police, Hoshiarpur that in case the petitioners move an application before the aforesaid authority to provide protection to their life and liberty the same shall be disposed of with a detailed speaking order and if required, necessary protection be provided to the petitioners.

Disposed of accordingly.

DECEMBER 31, 2007 **(RAJESH BINDAL)**
shalini **JUDGE**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL. MISC. NO. 55246-M OF 2007
DECIDED ON : 31.12.2007

Raman Kumar alias Ravi

...Petitioner

versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL

Present : Mr. J.B.S Gill, Advocate,
for the petitioners.

Mr. Shilesh Gupta, DAG, Punjab.

RAJESH BINDAL, J. (ORAL)

The prayer made in the present petition is for anticipatory bail in case FIR No. 62 dated 01.12.2007 registered under Sections 363/366/120-B of the Indian Penal Code at Police Station Mehtiana, District Hoshiarpur.

The contention of the petitioner is that the allegations made in the FIR are totally false as Sukhwinder Kaur is more than 18 years of age and she left her home of her own sweet will and in fact she has already married with petitioner on December 02, 2007 and they are now happily living as husband and wife.

In view of this factual matrix, which is not disputed, the case for anticipatory bail is made out. Accordingly, in case of arrest, the petitioner shall be released on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions specified in Section 438 (2) of the Code of Criminal Procedure.

Disposed of accordingly.

DECEMBER 31, 2007 **(RAJESH BINDAL)**
shalini **JUDGE**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL. MISC. NO. 55214-M OF 2007
DECIDED ON : 31.12.2007

Subhash Jain

...Petitioner

versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL

Present : Mr. P. S. Hundal, Advocate,
for the petitioner.

Mr. Shilesh Gupta, DAG, Punjab.

RAJESH BINDAL, J. (ORAL)

The prayer in the present petition is for anticipatory bail in FIR No. 162 dated 07.12.2007 registered against the petitioner under Sections 307/ 452/ 392/ 506/ 427/ 148/ 149 of the Indian Penal Code and Section 25 of the Arms Act at Police Station Gidderbaha, District Mukatsar.

Learned counsel for the petitioner submits that registration of the case against the petitioner is nothing else but a political rivalry as the petitioner belongs to a party which is not in power now. The petitioner is a respectable citizen of the city, who was earlier President of the Municipal Council, Gidderbaha. Apprehending his arrest in any false case, the petitioner had earlier filed application for blanket bail before Additional Sessions Judge, Mukatsar in which vide order dated April 25, 2007, he was granted the relief with a direction to the authority to give the petitioner

three days prior notice in case his arrest was required. The allegations in the present FIR are that the petitioner along with seven other persons entered the Community Centre, Mandiwali Dharamshala on December 07, 2007 firstly at about 5:00 P.M and secondly at about 7:30 P.M. Second time, it is alleged that he fired two gun shots with his revolver with intention to kill the complainant Baldev Kumar. It is also alleged that two Fixed Deposit Receipts worth Rs. 12 lacs issued by State Bank of Patiala and further a sum of Rs. 40,000/- from the drawer were also taken by him.

Learned counsel for the petitioner further submits that inspite of blanket bail having been granted by the Court below, on December 07, 2007 in the morning, the petitioner was taken by the police without any case registered against him. However, on the protest made by the local residents, he was released in the evening.

As far as the present FIR is concerned, the submission is that the gun shots were not fired from his pistol. He had already deposited his fire arm with the arms dealer on December 08, 2007 having came to know about the FIR and further the FDRs are still lying in the Dharamshala.

As far as sum of Rs. 40,000/- is concerned, the petitioner has submitted that though he has not taken any money but still he can deposit that amount with the Court, without prejudice to his right in the case.

Prayer made by the petitioner is opposed by the respondent-State with the allegation that there is recording of the incident which occurred at 5:00 P.M in Dharamshala. However, it cannot be explained as to why the press persons or other persons were present in the Dharamshala to record the incidence.

As regards the factum as to whether the FDRs are still lying in the Dharamshala or have been encashed is concerned, the correct position is not known to the counsel for the State, as instructed by the Investigating Officer who is present in the Court.

Keeping in view the above mentioned circumstances and also the fact though there is allegation regarding firing of gun shots, however, in the FIR it is not mentioned as to which place the gun shot hit. Further there is nothing available on record to state regarding the status of FDRs. The fact that the petitioner was President of Municipal Council is not denied. On appreciation of facts noticed above, I find that a case for anticipatory bail is made out.

Accordingly, in case of arrest, the petitioner shall o be released on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions specified in Section 438 (2) of the Code of Criminal Procedure further with the condition that

the petitioner shall deposit a sum of Rs. 40,000/- with the Trial Court without prejudice to his right in the present litigation.

The petition is disposed of accordingly.

DECEMBER 31, 2007 **(RAJESH BINDAL)**
shalini **JUDGE**

Crl. Misc. No. 55283-M of 2007

-.-

Present: Mr. S. C. Sabharwal, Advocate,
for the petitioners.

Learned counsel for the petitioners states that petitioner No. 1 had already sold the shop in dispute to Deepak and Suchha Singh, clearly mentioning in the sale deed that the possession of the shop is with Sunil Kumar, who was not paying any rent to petitioner No. 1.

In the present disputed, petitioner NO.1 and Chiman Baru-petitioner No. 2, his relation, has been falsely implicated.

Notice of motion for 08.02.2008.

Meantime, arrest of the petitioners shall remain stayed subject to the conditions as contained in Section 438 (2) of the Code of Criminal Procedure.

DECEMBER 31, 2007 **(RAJESH BINDAL)**
shalini **JUDGE**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL. MISC. NO. 55284-M OF 2007
DECIDED ON : 31.12.2007

Mamta Rani and another

...Petitioners

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL

Present : Mr. G. S. Verma, Advocate,
for the petitioners.

RAJESH BINDAL, J. (ORAL)

Learned counsel for the petitioners contends that the petitioners have married against the wishes of their parents and as such, they are fearing threat to their life and liberty. They had already approached the police authorities, but no action has been taken by him.

Disposed of with the direction to Senior Superintendent of Police, Ludhiana to see in case there is any threat to the life and liberty of the petitioners and to take appropriate action in case he finds that their life and liberty is under any threat.

DECEMBER 31, 2007 **(RAJESH BINDAL)**
shalini **JUDGE**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL. MISC. NO. 55285-M OF 2007
DECIDED ON : 31.12.2007

Sanjeev Kumar

...Petitioner

versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL

Present : Mr. Narender Singh, Advocate,
for the petitioner.

RAJESH BINDAL, J. (ORAL)

Learned counsel for the petitioner states that he was declared proclaimed offender in the private complaint filed by respondent NO. 2. He did not appear in the case as in proceedings under Section 107/151 the matter was compromised and it was agreed that the present complaint shall be withdrawn.

He further submits that he is still ready to appear before the Court on the next date fixed i.e 09.01.2008. His only prayer is that he should be protected till 09.01.2008 till the date he appears before the Trial Court.

Heard learned counsel for the petitioner.

I find merit in the contention raised by him. Arrest of the petitioner shall remain stayed till 09.01.2008 on which date, he will surrender before the Court below and abide by any further order passed by the Trial court on his application.

Disposed of accordingly.

DECEMBER 31, 2007 **(RAJESH BINDAL)**
shalini **JUDGE**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL. MISC. NO. 55286-M OF 2007
DECIDED ON : 31.12.2007

Sunita Rani and another

...Petitioners

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL

Present : Mr. M. S. Dhami, Advocate,
for the petitioners.

RAJESH BINDAL, J. (ORAL)

Learned counsel for the petitioners contends that the petitioners have married against the wishes of their parents and as such, they are fearing threat to their life and liberty. They had already approached the police authorities, but no action has been taken by him.

Disposed of with the direction to Senior Superintendent of Police, Nawanshahar to see in case there is any threat to the life and liberty of the petitioners and to take appropriate action in case he finds that their life and liberty is under any threat.

DECEMBER 31, 2007 **(RAJESH BINDAL)**
shalini **JUDGE**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL. MISC. NO. 55287-M OF 2007
DECIDED ON : 31.12.2007

Manju Bala and another

...Petitioners

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL

Present : Mr. D. S. Rajput, Advocate,
for the petitioners.

RAJESH BINDAL, J. (ORAL)

Learned counsel for the petitioners contends that the petitioners have married against the wishes of their parents and as such, they are fearing threat to their life and liberty.

Disposed of with the direction to Senior Superintendent of Police, Nawanshahar to see in case there is any threat to the life and liberty of the petitioners and to take appropriate action in case he finds that their life and liberty is under any threat.

DECEMBER 31, 2007 **(RAJESH BINDAL)**
shalini **JUDGE**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL. MISC. NO. 55288-M OF 2007
DECIDED ON : 31.12.2007

Rimpi Rani and another

...Petitioners

versus

State of UT and others

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL

Present : Mr. D. S. Rajput, Advocate,
for the petitioners.

RAJESH BINDAL, J. (ORAL)

Learned counsel for the petitioners contends that the petitioners have married against the wishes of their parents and as such, they are fearing threat to their life and liberty.

Disposed of with the direction to Senior Superintendent of Police, Nawanshahar to see in case there is any threat to the life and liberty of the petitioners and to take appropriate action in case he finds that their life and liberty is under any threat.

DECEMBER 31, 2007 **(RAJESH BINDAL)**
shalini **JUDGE**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL. MISC. NO. 11-M OF 2008
DECIDED ON : 01.01.2008

Veena Rani

...Petitioner

versus

Harpreet Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL

Present : Mr. Sandeep Arora, Advocate,
for the petitioner.

RAJESH BINDAL, J. (ORAL)

The prayer made in the present petition is for anticipatory bail in a complaint filed by respondent against the petitioner.

Learned counsel for the petitioner states that petitioner own a sum of Rs. One lac from the respondent and in order to discharge her liability, issued cheque, which was presented for encashment but received back dishonoured with remarks “Insufficient Funds”. Now a complaint under Section 138 of the Negotiable Instruments Act is pending before the Trial Court. He submits that petitioner was never served in the said case and she came to know about the proceedings now from her family and intend to surrender before the Court so that the trial may proceed.

The prayer made is objected for the reason that the petitioner has already been declared as proclaimed offender on April 19, 2006. However, taking into consideration that the petitioner has himself volunteer to surrender before the Court, let an opportunity be granted to him.

Arrest of the petitioner shall remain stayed up to 07.01.2008 with the direction to the petitioner to appear before the Trial Court on or before the date fixed for appropriate proceedings thereafter.

The petition is disposed of accordingly.

DECEMBER 31, 2007 **(RAJESH BINDAL)**
shalini **JUDGE**